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Message Text

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INFO OCT-01 ISO-00 INR-07 EUR-12 ARA-06 SS-15 SP-02 NSC-05
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DRAFTED BY: L/OES:DACOLSON:OES/OFA:TSCULLY
APPROVED BY:L/OES:BHOXMAN
INR/RGE-MR HODGSON
EUR/NE-MR SCHALLER
OES/OFA-MR SCULLY
ARA/CAR-MR PIERCE
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R 241428Z FEB 77
FM SECSTATE WASHDC
TO AMEMBASSY THE HAGUE
INFO AMEMBASSY CARACAS
AMCONSUL CURACAO

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E.O. 11652: N/A

TAGS: PBOR, EFIS

SUBJECT: ESTABLISHMENT OF THE LIMITS OF THE US FISHERY
CONSERVATION ZONE IN THE CARIBBEAN

REF: STATE 90067 OF 14 APRIL 76

1. SUMMARY: EMBASSY IS REQUESTED TO DELIVER DIPLOMATIC
NOTE TO NETHERLANDS FOREIGN MINISTRY REGARDING THE ENFORCE-
MENT LIMITS OF U.S. 200-MILE FISHERY CONSERVATION ZONE
WHICH BECOMES EFFECTIVE MARCH 1, 1977, AND TO DISCUSS THIS
MATTER WITH NETHERLANDS OFFICIALS. END SUMMARY.

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2. U.S. FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976
ESTABLISHES A 200 NAUTICAL MILE FISHERY CONSERVATION ZONE
EFFECTIVE MARCH 1 AROUND, INTER ALIA, THE U.S. VIRGIN
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PROVISIONS OF THAT LEGISLATION.
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3. DRAWING A 200-MILE ZONE AROUND THE U.S. VIRGIN ISLANDS

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AND PUERTO RICO WOULD OVERLAP POTENTIAL 200-MILE ZONES AROUND THE DUTCH ISLANDS OF SABA AND ARUBA, BONNAIRE AND CURACAO. THUS, AS OF MARCH 1, A POTENTIAL MARITIME BOUNDARY ISSUE WILL EXIST BETWEEN THE U.S. AND THE NETHERLANDS.

4. THE BASIC USG POSITION ON MARITIME BOUNDARIES IS THAT THEY ARE TO BE DETERMINED BY AGREEMENT BETWEEN THE STATES CONCERNED IN ACCORDANCE WITH EQUITABLE PRINCIPLES. THE USG IS NOT AWARE OF ANY SPECIAL CIRCUMSTANCES IN THE AREA, AND THEREFORE BELIEVES THAT EQUIDISTANCE, GIVING FULL EFFECT TO ISLANDS, IS AN APPROPRIATE BASIS FOR DETERMINING THE LIMITS OF U.S. FISHERIES JURISDICTION AROUND THE U.S. VIRGIN ISLANDS AND PUERTO RICO. THE EQUIDISTANT (OR MEDIAN) LINE IS A LINE EVERY POINT OF WHICH IS EQUIDISTANT FROM THE NEAREST POINTS ON THE RESPECTIVE COASTS (OR COASTAL BASELINES WHERE APPLICABLE) OF THE STATES CONCERNED.

5. THE USG HAS ADOPTED THE POSITION OF ESTABLISHING THE LIMITS OF FISHERY JURISDICTION ON THE BASIS OF EQUIDISTANCE USING THE NEAREST NON-U.S. LAND TERRITORY AS THE APPROPRIATE BASEPOINT AS A COMMON POLICY FOR ALL ISLANDS SUBJECT TO U.S. JURISDICTION IN THE CARIBBEAN. THIS POSITION POTENTIALLY COULD CREATE AN ISSUE WITH THE GOVERNMENT OF VENEZUELA WHICH IS INVOLVED WITH THE NETHERLANDS IN A DISPUTE OVER THE MARITIME ENTITLEMENT OF THE SOUTHERN NETHERLANDS ANTILLES ISLANDS OF ARUBA, BONNAIRE, AND CURACAO. VENEZUELA ARGUES THAT THOSE ISLANDS ARE PRO-
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JECTIONS FROM THE VENEZUELAN CONTINENTAL SHELF AND THUS ARE ENTITLED ONLY TO A 12-MILE TERRITORIAL SEA, WITH NO RESOURCE JURISDICTION BEYOND TWELVE MILES. THE NETHERLANDS OBVIOUSLY TAKES ISSUE WITH THIS VIEW AND ARGUES THAT THE ISLANDS SHOULD HAVE FULL RESOURCE JURISDICTION. THE USG POSITION COULD BE VIEWED BY VENEZUELA AS PREJUDICIAL TO THE POSITION IT IS TAKING REGARDING ITS DELIMITATION WITH ARUBA, BONNAIRE AND CURACAO, PARTICULARLY IF THE U.S. UNDERTAKES NEGOTIATIONS WITH THE NETHERLANDS WITH RESPECT TO DELIMITATION OF AN AREA CLAIMED BY VENEZUELA. THE USG WISHES TO REMAIN NEUTRAL IN THIS BOUNDARY ISSUE BETWEEN THE NETHERLANDS AND VENEZUELA AND INTENDS THAT THE COMMON APPROACH THAT HAS BEEN ADOPTED BY THE USG IN THE CARIBBEAN SHOULD BE REGARDED AS BEING A NEUTRAL FORMULA. THIS POLICY MEANS THAT EQUIDISTANCE WILL BE APPLIED BETWEEN THE U.S. VIRGIN ISLANDS AND SABA (DUTCH); BETWEEN THE U.S. VIRGIN ISLANDS AND PUERTO RICO, AND AVES ISLAND (VENEZUELA); AND BETWEEN THE U.S. VIRGIN ISLANDS AND PUERTO RICO, AND ARUBA, BONNAIRE AND CURACAO.

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IN DETERMINING THE EXTENT OF OUR OWN JURISDICTION FOR THE PRESENT, WE ARE NOT RPT NOT TAKING THE POSITION THAT THE AREAS CLAIMED BY BOTH THE NETHERLANDS AND VENEZUELA ARE EITHER DUTCH OR VENEZUELAN, AND WOULD NOT RPT NOT PROPOSE TO CONCLUDE A FORMAL AGREEMENT ON BOUNDARIES WITH EITHER TO THE PREJUDICE OF THE OTHER. ACCORDINGLY, THE U.S. NOTES TO BOTH OFFER TO DISCUSS THE MATTER RATHER THAN NEGOTIATE A PERMANENT BOUNDARY. MOREOVER, THE NOTE TO VENEZUELA AND THE NETHERLANDS DOES NOT SPECIFY WHICH AREAS WE ARE DELIMITING WITH RESPECT TO WHICH STATE, AS WE ARE DRAWING EQUIDISTANCE LINES AROUND THE ENTIRETY OF CPR/USVI AS AGAINST ALL NON-U.S. TERRITORY IN THE CARIBBEAN.

6. WE MUST DETERMINE THE LIMITS TO WHICH THE U.S. WILL ENFORCE THE FISHERY JURISDICTION FROM MARCH 1 UNTIL SUCH TIME AS A PERMANENT BOUNDARY IS AGREED, AND NOTIFY NEIGHBORING GOVERNMENTS OF OUR ACTIONS.
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7. FOLLOWING DIPLOMATIC NOTE SHOULD BE TRANSMITTED TO THE FOREIGN MINISTRY.

BEGIN TEXT: THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE MINISTRY OF FOREIGN AFFAIRS OF THE NETHERLANDS AND HAS THE HONOR TO REFER TO THE UNITED STATES FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976 WHICH ESTABLISHES, EFFECTIVE MARCH 1, 1977, A 200 NAUTICAL MILE FISHERY CONSERVATION ZONE AROUND, INTER ALIA, THE VIRGIN ISLANDS OF THE UNITED STATES AND THE COMMONWEALTH OF PUERTO RICO.

THE GOVERNMENT OF THE UNITED STATES MUST ESTABLISH THE LIMITS OF THE FISHERY CONSERVATION ZONE PRIOR TO MARCH 1, 1977. IT IS THE POSITION OF THE GOVERNMENT OF THE UNITED STATES THAT MARITIME BOUNDARIES ARE TO BE DETERMINED BY AGREEMENT IN ACCORDANCE WITH EQUITABLE PRINCIPLES.

MOREOVER, THE GOVERNMENT OF THE UNITED STATES IS NOT AWARE OF ANY SPECIAL CIRCUMSTANCES AFFECTING UNITED STATES JURISDICTION AT THIS TIME IN THE AREA BETWEEN THE VIRGIN ISLANDS OF THE UNITED STATES AND THE COMMONWEALTH OF PUERTO RICO, AND AREAS SUBJECT TO THE JURISDICTION OF THE NETHERLANDS. THEREFORE, THE GOVERNMENT OF THE UNITED STATES IS OF THE VIEW THAT APPLICATION OF THE PRINCIPLE OF EQUIDISTANCE IS APPROPRIATE. ACCORDINGLY, UNTIL AGREEMENT IS REACHED REGARDING MARITIME BOUNDARIES IN THE AREA, THE GOVERNMENT OF THE UNITED STATES, BEGINNING MARCH 1, 1977, INTENDS TO ENFORCE ITS FISHERY JURISDICTION IN THE AREA OFF THE COAST OF THE VIRGIN ISLANDS OF THE UNITED STATES

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AND THE COMMONWEALTH OF PUERTO RICO TO LIMITS DETERMINED IN ACCORDANCE WITH THE PRINCIPLE OF EQUIDISTANCE.

THE EMBASSY WISHES TO INFORM THE FOREIGN MINISTRY OF THE WILLINGNESS ON THE PART OF THE GOVERNMENT OF THE UNITED
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CLOSING - COMPLIMENTARY CLOSE. END TEXT.

8. IN PRESENTING ABOVE NOTE TO DUTCH OFFICIALS EMBASSY OFFICERS SHOULD MAKE THE FOLLOWING POINTS:

-- EVEN THOUGH THERE HAS BEEN NO EXTENSION OF JURISDICTION BY THE OPPOSING STATE, THE U.S. WILL NOT EXTEND ITS JURISDICTION BEYOND THE EQUIDISTANT OR MEDIAN LINE, GIVING FULL EFFECT TO ISLANDS IN APPLYING THE PRINCIPLE OF EQUIDISTANCE. WE ARE MEASURING AGAINST ALL NON-U.S. TERRITORY.

-- WE RECOGNIZE THAT THERE EXISTS A DIFFERENCE OF VIEW BETWEEN VENEZUELA AND THE NETHERLANDS OVER THE MARITIME ENTITLEMENT OF CERTAIN ISLANDS. THE U.S. TAKES NO POSITION ON THE VIEWS OF EITHER PARTY AND CONSIDERS THE ENFORCEMENT OF THE LIMITS OF THE U.S. FISHERY CONSERVATION ZONE AS IN NO WAY PREJUDICING SUCH VIEWS.

-- THE U.S. IS EXTENDING ITS JURISDICTION ONLY OVER COASTAL FISHERIES. U.S. JURISDICTION DOES NOT INCLUDE JURISDICTION OVER TUNA FISHING.

-- THE LINE WHICH WILL BE USED AS THE LIMIT OF U.S. FISHERIES JURISDICTION SHOULD NOT BE REGARDED AS A FORMAL U.S. MARITIME BOUNDARY POSITION.

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-- WE ARE PRESENTLY PREPARING CHARTS SHOWING THE LIMITS

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OF OUR FISHERY JURISDICTION AND WILL MAKE THEM AVAILABLE
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9. DEPARTMENT HAS DETERMINED THE COORDINATES OF THE
EQUIDISTANT LINE BETWEEN THE U.S. VIRGIN ISLANDS, PUERTO
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THE GOVERNMENT OF THE UNITED STATES MUST ESTABLISH THE LIMITS OF THE FISHERY CONSERVATION ZONE PRIOR TO MARCH 1, 1977. IT IS THE POSITION OF THE GOVERNMENT OF THE UNITED STATES THAT MARITIME BOUNDARIES ARE TO BE DETERMINED BY AGREEMENT IN ACCORDANCE WITH EQUITABLE PRINCIPLES.

MOREOVER, THE GOVERNMENT OF THE UNITED STATES IS NOT AWARE OF ANY SPECIAL CIRCUMSTANCES AFFECTING UNITED STATES JURISDICTION AT THIS TIME IN THE AREA BETWEEN THE VIRGIN ISLANDS OF THE UNITED STATES AND THE COMMONWEALTH OF PUERTO RICO, AND AREAS SUBJECT TO THE JURISDICTION OF THE NETHERLANDS. THEREFORE, THE GOVERNMENT OF THE UNITED STATES IS OF THE VIEW THAT APPLICATION OF THE PRINCIPLE OF EQUIDISTANCE IS APPROPRIATE. ACCORDINGLY, UNTIL AGREEMENT IS REACHED REGARDING MARITIME BOUNDARIES IN THE AREA, THE GOVERNMENT OF THE UNITED STATES, BEGINNING MARCH 1, 1977, INTENDS TO ENFORCE ITS FISHERY JURISDICTION IN THE AREA OFF THE COAST OF THE VIRGIN ISLANDS OF THE UNITED STATES AND THE COMMONWEALTH OF PUERTO RICO TO LIMITS DETERMINED IN ACCORDANCE WITH THE PRINCIPLE OF EQUIDISTANCE.

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CLOSING - COMPLIMENTARY CLOSE. END TEXT.

8. IN PRESENTING ABOVE NOTE TO DUTCH OFFICIALS EMBASSY OFFICERS SHOULD MAKE THE FOLLOWING POINTS:

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EFFECT TO ISLANDS IN APPLYING THE PRINCIPLE OF EQUI-
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FOR INFORMATION OF REGIONAL FISHERY ATTACHE

FOLLOWING REPEAT STATE 41219 ACTION EC BRUSSELS 28 FEB 77
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24 FEB 77 QUOTE

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THE USG POSITION COULD BE VIEWED BY VENEZUELA AS
PREJUDICIAL TO THE POSITION IT IS TAKING REGARDING ITS
DELIMITATION WITH ARUBA, BONNAIRE AND CURACAO, PARTICULARLY
IF THE U.S. UNDERTAKES NEGOTIATIONS WITH THE NETHERLANDS
WITH RESPECT TO DELIMITATION OF AN AREA CLAIMED BY
VENEZUELA. THE USG WISHES TO REMAIN NEUTRAL IN THIS
BOUNDARY ISSUE BETWEEN THE NETHERLANDS AND VENEZUELA AND
INTENDS THAT THE COMMON APPROACH THAT HAS BEEN ADOPTED

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BY THE USG IN THE CARIBBEAN SHOULD BE REGARDED AS BEING A NEUTRAL FORMULA. THIS POLICY MEANS THAT EQUIDISTANCE WILL BE APPLIED BETWEEN THE U.S. VIRGIN ISLANDS AND SABA (DUTCH); BETWEEN THE U.S. VIRGIN ISLANDS AND PUERTO RICO, AND AVES ISLAND (VENEZUELA); AND BETWEEN THE U.S. VIRGIN ISLANDS AND PUERTO RICO, AND ARUBA, BONNAIRE AND CURACAO. IN DETERMINING THE EXTENT OF OUR OWN JURISDICTION FOR THE PRESENT, WE ARE NOT RPT NOT TAKING THE POSITION THAT THE AREAS CLAIMED BY BOTH THE NETHERLANDS AND VENEZUELA ARE EITHER DUTCH OR VENEZUELAN, AND WOULD NOT RPT NOT PROPOSE TO CONCLUDE A FORMAL AGREEMENT ON BOUNDARIES WITH EITHER TO THE PREJUDICE OF THE OTHER. ACCORDINGLY, THE U.S. NOTES TO BOTH OFFER TO DISCUSS THE MATTER RATHER THAN NEGOTIATE A PERMANENT BOUNDARY. MOREOVER, THE NOTE TO VENEZUELA AND THE NETHERLANDS DOES NOT SPECIFY WHICH AREAS WE ARE LIMITED OFFICIAL USE

DELIMITING WITH RESPECT TO WHICH STATE, AS WE ARE DRAWING EQUIDISTANCE LINES AROUND THE ENTIRETY OF CPR/USVI AS AGAINST ALL NON-U.S. TERRITORY IN THE CARIBBEAN.

6. WE MUST DETERMINE THE LIMITS TO WHICH THE U.S. WILL ENFORCE THE FISHERY JURISDICTION FROM MARCH 1 UNTIL SUCH TIME AS A PERMANENT BOUNDARY IS AGREED, AND NOTIFY NEIGHBORING GOVERNMENTS OF OUR ACTIONS.

7. FOLLOWING DIPLOMATIC NOTE SHOULD BE TRANSMITTED TO THE FOREIGN MINISTRY.

BEGIN TEXT: THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE MINISTRY OF FOREIGN AFFAIRS OF THE NETHERLANDS AND HAS THE HONOR TO REFER TO THE UNITED STATES FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976 WHICH ESTABLISHES, EFFECTIVE MARCH 1, 1977, A 200 NAUTICAL MILE FISHERY CONSERVATION ZONE AROUND, INTER ALIA, THE VIRGIN ISLANDS OF THE UNITED STATES AND THE COMMON-WEALTH OF PUERTO RICO.

THE GOVERNMENT OF THE UNITED STATES MUST ESTABLISH THE LIMITS OF THE FISHERY CONSERVATION ZONE PRIOR TO MARCH 1, 1977. IT IS THE POSITION OF THE GOVERNMENT OF THE UNITED STATES THAT MARITIME BOUNDARIES ARE TO BE DETERMINED BY AGREEMENT IN ACCORDANCE WITH EQUITABLE PRINCIPLES.

MOREOVER, THE GOVERNMENT OF THE UNITED STATES IS NOT AWARE OF ANY SPECIAL CIRCUMSTANCES AFFECTING UNITED STATES JURISDICTION AT THIS TIME IN THE AREA BETWEEN THE VIRGIN ISLANDS OF THE UNITED STATES AND THE COMMONWEALTH OF PUERTO RICO, AND AREAS SUBJECT TO THE JURISDICTION OF THE NETHER-LANDS. THEREFORE, THE GOVERNMENT OF THE UNITED STATES IS

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OF THE VIEW THAT APPLICATION OF THE PRINCIPLE OF EQUI-
DISTANCE IS APPROPRIATE. ACCORDINGLY, UNTIL AGREEMENT IS
REACHED REGARDING MARITIME BOUNDARIES IN THE AREA, THE
LIMITED OFFICIAL USE

GOVERNMENT OF THE UNITED STATES, BEGINNING MARCH 1, 1977,
INTENDS TO ENFORCE ITS FISHERY JURISDICTION IN THE AREA
OFF THE COAST OF THE VIRGIN ISLANDS OF THE UNITED STATES
AND THE COMMONWEALTH OF PUERTO RICO TO LIMITS DETERMINED
IN ACCORDANCE WITH THE PRINCIPLE OF EQUIDISTANCE.

THE EMBASSY WISHES TO INFORM THE FOREIGN MINISTRY OF THE
WILLINGNESS ON THE PART OF THE GOVERNMENT OF THE UNITED
STATES TO DISCUSS THIS MATTER FURTHER WITH THE GOVERNMENT
OF THE NETHERLANDS, AND TO NOTE THE UNDERSTANDING OF THE
GOVERNMENT OF THE UNITED STATES THAT THE AFOREMENTIONED

LIMIT OF FISHERY JURISDICTION IS WITHOUT PREJUDICE TO THE
VIEWS OF EITHER GOVERNMENT REGARDING THE EXTENT OF IN-
TERNAL WATERS, THE TERRITORIAL SEA OR THE HIGH SEAS OR TO
ANY POSITION WHICH MAY BE TAKEN IN THE FUTURE REGARDING
THE LOCATION OF MARITIME BOUNDARIES IN THE AREA.

CLOSING - COMPLIMENTARY CLOSE. END TEXT.

8. IN PRESENTING ABOVE NOTE TO DUTCH OFFICIALS EMBASSY
OFFICERS SHOULD MAKE THE FOLLOWING POINTS:

-- EVEN THOUGH THERE HAS BEEN NO EXTENSION OF JURISDICTION
BY THE OPPOSING STATE, THE U.S. WILL NOT EXTEND ITS JURIS-
DICTION BEYOND THE EQUIDISTANT OR MEDIAN LINE, GIVING FULL
EFFECT TO ISLANDS IN APPLYING THE PRINCIPLE OF EQUI-
DISTANCE. WE ARE MEASURING AGAINST ALL NON-U.S. TERRITORY.

-- WE RECOGNIZE THAT THERE EXISTS A DIFFERENCE OF VIEW
BETWEEN VENEZUELA AND THE NETHERLANDS OVER THE MARITIME
ENTITLEMENT OF CERTAIN ISLANDS. THE U.S. TAKES NO POSITION
ON THE VIEWS OF EITHER PARTY AND CONSIDERS THE ENFORCEMENT
OF THE LIMITS OF THE U.S. FISHERY CONSERVATION ZONE AS IN
NO WAY PREJUDICING SUCH VIEWS.

-- THE U.S. IS EXTENDING ITS JURISDICTION ONLY OVER COASTAL
FISHERIES. U.S. JURISDICTION DOES NOT INCLUDE JURISDICTION
OVER TUNA FISHING.

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-- THE LINE WHICH WILL BE USED AS THE LIMIT OF U.S. FISH-
ERIES JURISDICTION SHOULD NOT BE REGARDED AS A FORMAL U.S.
MARITIME BOUNDARY POSITION.

-- WE ARE PRESENTLY PREPARING CHARTS SHOWING THE LIMITS
OF OUR FISHERY JURISDICTION AND WILL MAKE THEM AVAILABLE
AS SOON AS POSSIBLE.

9. DEPARTMENT HAS DETERMINED THE COORDINATES OF THE
EQUIDISTANT LINE BETWEEN THE U.S. VIRGIN ISLANDS, PUERTO
RICO AND SABA, AND ARUBA, BONNAIRE AND CURACAO. WE ARE
PREPARING CHARTS OF THE AREA SHOWING THAT LINE WHICH WILL
BE POUCHED TO THE EMBASSY WHEN READY.

10. SHOULD GON OFFICIALS RAISE THIS ISSUE WITH THE
EMBASSY, YOU SHOULD DRAW UPON THE TEXT OF THE NOTE AND
THE SUBSEQUENT TALKING POINTS IN REPLY.

11. DEPARTMENT WILL BE MAKING A SIMILAR PRESENTATION TO
VENEZUELA AND WILL REPORT TO BOTH AMEMBASSY THE HAGUE AND
AMCONSUL CURACAO ON THE OUTCOME OF THAT DISCUSSION.
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UNQUOTE VANCE
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
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Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
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